

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GARY LABARBERA and FRANK FINKEL, Trustees of :
the Local 282 International Brotherhood of Teamsters :
Welfare, Pension, Annuity, Job Training and Vacation Sick :
Leave Trust Funds, :

Plaintiff, :

-against- :

RIVER TRUCKING & RIGGING, INC., :

Defendant. :

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ROSS, United States District Judge:

06-5952 (ARR) (VVP)

NOT FOR ELECTRONIC
OR PRINT
PUBLICATION

ORDER

I have received the Report and Recommendation on the instant case dated October 18, 2007 from the Honorable Viktor Pohorelsky, United States Magistrate Judge. No objections have been filed. Having conducted a de novo review of the record, I hereby adopt the Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1). Accordingly, plaintiff's application for a permanent injunction is denied and plaintiff is granted judgment in the amount of \$16,779.84 in unpaid contributions, \$3,155.86 in interest, \$3,690.93 in liquidated damages, and \$3,731.97 in attorneys' fees and costs.¹ The clerk of the court is instructed to enter judgment accordingly.

SO ORDERED.

s/ Judge Allyne R. Ross

Allyne R. Ross
United States District Judge

Dated: November 1, 2007
Brooklyn, New York

¹ Judge Pohorelsky noted in his report and recommendation that plaintiffs had provided inadequate support for their claim of damages, see Dkt. No. 11 at 5-6, and recommended that I grant damages to the plaintiffs only upon corroboration of their claim through an affidavit by a competent witness. See id. at 10. Plaintiffs have now submitted an affidavit by Theresa Cody, the director of collections for the plaintiffs and custodian of the records, which substantiates plaintiffs' claims. (Dkt. No. 13).

SERVICE LIST:

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cc: Magistrate Judge Viktor Pohorelsky